

COHN LIFLAND PEARLMAN HERRMANN & KNOPF LLP

COUNSELLORS AT LAW

PARK 80 PLAZA WEST-ONE · SADDLE BROOK, N.J. 07663 · 201-845-9600 · TELECOPIER 201-845-9423

General E-mail : clphk@njlawfirm.com

Internet Address: www.njlawfirm.com

August 29, 2008

**VIA ECF ONLY**

Honorable Joseph A. Greenaway, Jr., U.S.D.J.  
United States District Judge  
Federal Building and United States Courthouse  
50 Walnut Street  
Newark, N.J. 07101

*In Re: K-Dur Antitrust Litigation*  
Case No.: 01-1652 (JAG)  
MDL No.: 1419  
Our File: 35,109

Dear Judge Greenaway:

I write on behalf of the Direct Purchaser Plaintiff Class requesting leave of court to file an over-length reply brief on our pending objections to Special Master Orlofsky's Amended Report and Recommendations as to Defendants' Motions for Summary Judgment as to the Upsher and ESI Settlement and Direct Purchaser Plaintiffs' Partial Motions for Summary Judgment as to the Applicable Framework for Analysis of Exclusion Payments and the Exclusionary Scope of the '734 Patent, which reply is due on June 17, 2009. As Your Honor may recall, defendants were granted leave, with our consent, to file a 65 page opposition. We seek permission to file a 30 page reply in Times New Roman 12.

I am authorized to represent to Your Honor that defendants do not object to this request.

Respectfully yours,

Peter S. Pearlman

PSP:gkv

Enclosure

cc: All counsel listed on the attached Service List (via e-mail only)



JOSEPH A. GREENAWAY, JR.

U.S.D.J.

6-11-09